

STATE OF CALIFORNIA
FISH AND GAME COMMISSION
FINAL STATEMENT OF REASONS FOR REGULATORY ACTION

Amend Sections 27.60, 27.67, 27.82, 28.28, 28.29, and 28.55
Title 14, California Code of Regulations
Re: Bag Limits for Rockfishes, Cabezon and Greenlings, and
Fishery Closure Process

- I. Date of Initial Statement of Reasons: December 10, 2003
- II. Date of Pre-adoption Statement of Reasons: January 28, 2004
- III. Date of Final Statement of Reasons: March 11, 2004
- IV. Dates and Locations of Scheduled Hearings:
 - (a) Notice Hearing: Date: December 5, 2003
Location: Sacramento, California
 - (b) Discussion Hearing Date: February 6, 2004
Location: Long Beach, California
 - (c) Adoption Hearing: Date: March 5, 2004
Location: Redding, California

V. Update:

No substantive changes have been made in the originally proposed regulatory language. However, sections 27.60, 27.82, 28.28, 28.29, and 28.55 of Title 14, CCR, have been amended since the Initial Statement of Reasons was submitted. The proposed changes to the regulatory language are shown using the regulations that are currently in effect.

One additional non-substantive change is proposed for subsection 27.60(b)(2). It is a minor editorial change to correct a typographical error.

Since the Initial Statement of Reasons was submitted, the regulations from three rulemakings that modified sections 27.60, 27.82, 28.28, 28.29, and 28.55 of Title 14, CCR (Recreational Groundfish Regulations for 2004, OAL ID#03-1007-12 and 03-1104-07, Sport Fishing Regulations OAL ID#030819-19 and 03-1104-07, and Lingcod, Season, Size and Bag Limits, OAL ID#04-0322-05E) have become effective. Thus, it was necessary to apply the proposed changes to the

regulations that are currently in effect for sections 27.60, 27.82, 28.28, 28.29, and 28.55; the proposed regulatory text for Section 27.67 has not been changed.

The Commission adopted the proposed regulatory changes and selected the option of a two-fish sub-bag limit for bocaccio [within the Rockfish, Cabezon, and Greenling complex (RCG complex) limit] in the Northern Rockfish and Lingcod Management Area (RLMA).

VI. Summary of Primary Considerations Raised in Support of or Opposition to the Proposed Actions and Reasons for Rejecting Those Considerations:

1. Randy Fry, Recreational Fishing Alliance and Coastside Fishing Club, comments made at February 6, 2004 Commission meeting.
 - (a) Supports all components of the proposed regulatory changes, and states that the elimination of the two-fish shallow nearshore rockfish sub-bag limit will reduce discards.
 - (b) States that he is concerned about the Department's authority to close, but as long as the Department can reopen the fishery it is okay.

Department Response:

- (a) Comments noted.
 - (b) Comment noted. The current regulations only allow for closing a fishery for the entire remainder of the year. The proposed regulations would provide the option of closing a fishery for just part of the year. This would provide the flexibility to open a fishery for an associated species during time periods when it is expected that there would be no bycatch of the species/species groups for which the annual harvest limits had been exceeded.
2. Dan Wolford, Director, Coastside Fishing Club, comments made at February 6, 2004 Commission meeting.
 - (a) Supports the elimination of the sub-bag limit for shallow nearshore rockfish, because recreational anglers have difficulty identifying rockfish, because the change will reduce discards, and because the change will simplify the regulations.
 - (b) Supports expanding the Department's authority to close the fishery because it provides more flexibility and it allows temporary closures.

Department Response:

- (a) Comment noted.
- (b) Comment noted.

3. Robert Ingles, Golden Gate Fishermen's Association, comments made at February 6, 2004 Commission meeting.
Supports all three components of the Department's recommendations.

Department Response:
Comment noted.

4. April Wakeman, Attorney for United Anglers of Southern California, comments made at February 6, 2004 Commission meeting.
- (a) Recommends that the Department make the process more transparent to the public and allow the public to review the basis for the Department's recommendations to the Pacific Fishery Management Council (PFMC) on harvest limits.
 - (b) Supports elimination of the shallow nearshore two-fish sub-bag limits.
 - (c) Supports statewide bag limits.
 - (d) Opposes expanding the Department's authority to close the fisheries. Specifically, she is opposed to adding species to the list of fisheries that can be closed, because she states that there is little ecological association between ocean whitefish, California scorpionfish and sheephead with lingcod, rockfishes and greenlings. States that the Department has too much authority, and can close a fishery when any OY is reached or projected to be reached.
 - (e) Recommends that the Commission consider other alternatives such as establishing precautionary reserves, or setting aside some of the OY to be taken as bycatch in other fisheries so they can remain open.

Department Response:

- (a) Comment noted. The Department makes its recommendations on harvest limits to the PFMC in a public forum, and the public is welcome to review the data.
- (b) Comment noted.
- (c) Comment noted.
- (d) The Department disagrees. There is an ecological association among many of the species and species group. For example, California sheephead and ocean whitefish often intermix with rockfish, and bycatch of rockfish is not uncommon when California sheephead or ocean whitefish are specifically targeted. Both the current or proposed regulations only allow the Department to close specific fisheries when specific harvest limits (i.e., an annual harvest limit for lingcod, rockfish or a subgroup of rockfish, cabezon and/or California scorpionfish) have been exceeded or is projected to be exceeded prior to the end of the year.

(e) Recommendations noted, but they are beyond the scope of the proposed regulations.

5. Bob Osborne, United Anglers of Southern California, comments made at February 6, 2004 Commission meeting.
Recommends that California modify its approach to optimum yield (OY) management for the recreational fishery, and advocates using a “target” of 50 percent and a “limit” of 67 percent.

Department Response:

Recommendations noted, but they are beyond the scope of the proposed regulations.

6. Jim Bassler, North-Central Coast Region Nearshore Commercial Fisherman, comments made at February 6, 2004 Commission meeting.
- (a) Supports testimony by Bob Osborne (see VI.5, above).
 - (b) Supports the proposed regulatory changes.
 - (c) State that he believes that stocks have rebounded, and that the increased numbers of fish make it easier for recreational anglers to catch the recreational allowance and go over the harvest limit.
 - (d) States that last year the recreational sector exceeded the OY and the commercial fishery was shut down even though they had not exceeded their allocation. He would like the commercial fishery to be “insulated” from the recreational fishery so that this cannot happen again.

Department Response:

- (a) Comment noted, but recommendations are beyond the scope of the proposed regulations.
- (b) Comment noted.
- (c) Comment noted.
- (d) The proposed regulations are designed to reduce the likelihood that the recreational sector will exceed its allowances in 2004, as it did in 2003.

7. Jill Geist, Chair, Board of Supervisors, County of Humboldt, letter dated February 3, 2004.
Opposes statewide bag and sub-bag limits for rockfish, cabezon and greenlings and recommends that the Commission not change the bag and sub-bag limits in Humboldt County for the following reasons:
- (a) Severe weather and distance from fishing grounds limits effort in Humboldt County and reduces the possibility of over fishing.
 - (b) The northern part of the state has fewer fishermen, and thus less fishing pressure, than the central and southern parts of the state.

- (c) The fish populations appear to be healthy and should be very capable of sustaining our recreational fishery.

Department Response:

The Department believes the regulations in the Northern RLMA need to be modified to reduce the take of rockfish and lingcod in the Northern RLMA during 2004. Currently, the overall bag limit for rockfish, cabezon and greenlings is higher in the Northern RLMA than in the Central and Southern RLMAs. In 2003, the estimated recreational harvest (from MRFSS) in the Northern RLMA for minor nearshore rockfish, canary rockfish, and lingcod far exceeded the annual recreational allowances.

- (a) To account for adverse weather and the distance to the fishing grounds, there are currently no season or depth restrictions in the Northern RLMA as there are in the Central and Southern RLMAs. No changes are proposed to seasons or fishing depth in the Northern RLMA.
- (b) Recreational allowances were exceeded in 2003 in the Northern RLMA. The proposed reductions in bag and sub-bag limits in the Northern RLMA will reduce the likelihood that the recreational fishery will exceed established annual harvest limits in 2004, and, thus, improve conservation of rockfish, lingcod, cabezon, and greenling stocks.
- (c) Harvest limits are set to promote sustainable harvests and rebuild overfished stocks. A number of rockfish species and lingcod have been declared overfished.

8. Lew Riffle, email dated February 20, 2004.

Recommends revising the regulations to state that the Central RLMA “starts with all ocean waters to the north and east of the intersection of 34°27’ line at Point Conception”, because he is concerned that, as the regulations are currently written, the coast near Gaviota is in the Central RLMA rather than the Southern RLMA.

Department Response:

Recommendation noted, but it is beyond the scope of the currently proposed regulations.

9. Sam E. Hughlett, email dated February 27, 2004.

- (a) Opposes any changes to the regulations at this time, because he states that rockfish stocks are increasing.
- (b) States that the Department often provides inaccurate data.
- (c) Recommends waiting one to two years before taking any action to see if fish population sizes increase.

Department Response:

- (a) The Department recommends that the Commission take action at this time to reduce the likelihood that the optimum yields (OYs) for various rockfishes, lingcod, cabezon and greenlings will be exceeded in 2004. An OY represents an agreed upon harvest limit within which the catches for commercial and recreational fisheries are kept. Harvest limits (such as OYs) are set to promote sustainable harvests and rebuild overfished stocks. A number of rockfish species and lingcod have been declared overfished.
 - (b) Comment noted. The Department in cooperation with the Pacific States Marine Fisheries Commission is working to improve the estimates of recreational harvest.
 - (c) If the proposed modifications to bag limits are not made, it is likely that the annual harvest limits for shallow nearshore rockfish will be exceeded in 2004, and it is possible that the annual harvest limits for other species will be exceeded. If the proposed modifications to the closure provisions are not made, then, should an OY be exceeded, emergency action would be needed to close a recreational fishery for a species not currently listed in Section 27.82(g). This would delay protection of overfished stocks.
10. Chris Dorsett, Ocean Conservancy, comments made at the March 5, 2004 Commission meeting, and letter dated March 5, 2004.
- (a) Supports the proposed regulations, in particular the proposed changes to the Department's authority to close fisheries when a harvest limit is reached or expected to be reached.
 - (b) States that it is important that harvests are kept within the harvest limits, and that the ability of the Department to move quickly to stop fishing is absolutely essential.

Department Response:

- (a) Comment noted.
- (b) The Department agrees.

VII. Location and Index of Rulemaking File:

A rulemaking file with attached file index is maintained at:
California Fish and Game Commission
1416 Ninth Street
Sacramento, California 95814

VIII. Location of Department Files:

Department of Fish and Game
1416 Ninth Street
Sacramento, California 95814

IX. Description of Reasonable Alternatives to Regulatory Action:

(a) Alternatives to Regulatory Action:

All in-season changes to the recreational groundfish fishery regulations must fall within the constraints of the management strategy established by the Council for 2004. This limited the Department's flexibility in considering in-season changes to the regulations. The Department and Council will not be under the same constraints when considering regulations for 2005 and 2006. The following alternatives were considered for in-season changes to the 2004 recreational groundfish fishery regulations:

- Eliminating 3-fish sub-limit for cabezon within the 10 fish aggregate for rockfish, cabezon and greenlings in the Central and Southern RLMA.
- Eliminate the two-fish sub-limit for greenlings within the 10 fish aggregate for rockfish, cabezon and greenlings in the Central and Southern RLMA.
- Include ocean whitefish in the 10 fish aggregate for rockfish, cabezon and greenlings in the Central and Southern RLMA.
- Include California scorpionfish in the 10 fish aggregate for rockfish, cabezon and greenlings in the Central and Southern RLMA.
- Shorten the season.

(b) No Change Alternative:

If the proposed modifications to bag limits are not made, it is likely that the annual harvest limits for shallow nearshore rockfish will be quickly exceeded in 2004, and it is possible that the annual harvest limits for other species will be exceeded. If the proposed modifications to the closure provisions are not made, then, should an OY be exceeded, emergency action would be needed to close a recreational fishery for a species not currently listed in Section 27.82(g). This would delay protection of overfished stocks.

(c) Consideration of Alternatives: In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purposes for which the regulation is proposed or would be as effective and less burdensome to the affected private persons than the proposed regulation.

X. Impact of Regulatory Action:

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

While the scope of the proposed action is coastwide, we do not expect significant economic impacts to California small businesses, nor to the ability of California businesses to compete with businesses in other states. Individual sport fishermen who target rockfish, cabezon, lingcod, and greenlings will still be able to fish for these species and harvest an individual ocean bag of 20 finfishes (total in combination). However, the legal combination of species under the proposed regulations will change; with the greatest changes being the number of cabezon and greenling that can be retained in waters north of 40°10' North Latitude.

The National Marine Fisheries Service's (now NOAA Fisheries) 2002 data on cabezon and greenling show that, for ocean sport fishermen on commercial passenger fishing vessels and on private boats, these species only comprised about 4.9 percent and 6.7 percent, respectively, of all the rockfish, cabezon, lingcod, and greenlings retained. Consequently, we consider it unlikely that preferences and attitudes for these ocean sportfishing activities will change significantly due to the new sub-bag limits and reductions in numbers of cabezon and greenling retained in the 20 ocean finfish bag limit.

Shore-based anglers and divers account for a significant proportion of the recreational take of cabezon and greenlings. We do not have information on whether the proposed decreased in bag limits for cabezon and greenlings north of 40°10' North Latitude will change the preference and attitudes of shore-based anglers and divers. We expect a negative, but unquantifiable, economic impact on sportfishing shops and tackle manufacturers due to the reductions in the bag limits for cabezon and greenling if shore-based anglers and divers do not shift to fishing for other species.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California: None

(c) Cost Impacts on a Representative Private Person or Business:

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

(e) Nondiscretionary Costs/Savings to Local Agencies: None

(f) Programs mandated on Local Agencies or School Districts: None

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4: None

(h) Effect on Housing Costs: None

Updated Informative Digest/Policy Statement Overview

Existing regulations establish recreational bag and sub-bag limits for rockfish, cabezon and greenlings, and establish provisions for closing the recreational fisheries for lingcod, rockfish, a subgroup of rockfish, and/or California scorpionfish. The proposed regulations will: (1) eliminate the sub-bag limit for shallow nearshore rockfish within the bag limit for the Rockfish, Cabezon and Greenlings Complex (RCG complex); (2) establish statewide bag limits for rockfish, cabezon and greenlings; and (3) add a number of fisheries to the list of recreational fisheries that the Department of Fish and Game (Department) may close if an annual harvest limit (optimum yield) for lingcod, rockfish, a subgroup of rockfish, and/or California scorpionfish has been exceeded or is projected to be exceeded. In addition, some technical, non-substantive changes are proposed for clarity or consistency.

(1) Eliminate the sub-bag limit for shallow nearshore rockfish (Sections 27.60 and 28.55, Title 14, CCR)

Existing regulations establish a 10-fish bag limit for the RCG complex in the Central and Southern Rockfish and Lingcod Management Areas (RLMA). Within the 10-fish RCG complex bag limit, there is a sub-bag limit of two for shallow nearshore rockfish (black-and-yellow, China, gopher, grass, and kelp rockfishes). The proposed regulations would eliminate the sub-bag limit for shallow nearshore rockfish.

(2) Establish statewide bag and sub-bag limits for rockfish, cabezon, and greenlings (Sections 27.60, 28.28, 28.29, and 28.55, Title 14, CCR)

Existing regulations establish different bag limits for rockfish, cabezon, and greenlings in the Northern RLMA than in the Central and Southern RLMAs. The proposed regulations would establish either the same bag and sub-bag limits for cabezon, greenlings, and all rockfish statewide, or the same bag and sub-bag limits for cabezon, greenlings, and all rockfish except bocaccio statewide. The proposed regulations provide the option of keeping the sub-bag limit for bocaccio at two fish in the Northern RLMA. The bag and sub-bag limits would remain the same in the Central and Southern RLMAs. The proposed regulations would establish a RCG Complex (including all species of rockfish, cabezon and greenlings) bag limit in the Northern RLMA of 10 fish in combination with the following sub-bag limits: bocaccio - either 1 or 2 fish; canary, cowcod, and yelloweye rockfishes – no retention; cabezon – 3 fish; and kelp and rock greenlings – 2 fish in combination.

(3) Modify subsection 27.82(g), Title 14, CCR regarding fishery closures

Current regulations authorize the Department to close recreational fisheries for lingcod, rockfish, a subgroup of rockfish, and/or California scorpionfish in all or part of the Northern, Central, or Southern RLMA when the Department determines that the annual harvest limit established in regulations by the National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries, formerly National Marine Fisheries Service) for lingcod, rockfish, a subgroup of rockfish, and/or California scorpionfish has been exceeded or is projected to be exceeded prior to the end of the year. Under the

proposed regulations, recreational fisheries for greenlings of the genus *Hexagrammos*, California sheephead, ocean whitefish, and any of the 82 federal groundfish species (including lingcod, rockfish, a subgroup of rockfish, California scorpionfish, and cabezon) could also be closed by the Department when an annual harvest limit for lingcod, rockfish or a subgroup of rockfish, cabezon* and/or California scorpionfish has been exceeded or is projected to be exceeded prior to the end of the year.

The current regulations only allow for closing a fishery for the entire remainder of the year. The proposed regulations would provide the option of closing a fishery for just part of the year. This would provide the flexibility to open a fishery for an associated species during time periods when it is expected that there would be no bycatch of the species/species groups for which the annual harvest limits had been exceeded.

(4) Technical non-substantive changes for clarity or consistency

Reference sections were added, where applicable, to the table in subsection 27.60(b)(2), Title 14, CCR, to help the angler or diver learn of any additional regulations that may apply to the species listed in the table.

Section 27.67, Title 14, CCR, currently states that the RLMAs are defined in subsection (b) of 27.82. The regulations adopted by the Commission on December 4, 2003 moved the definitions of the RLMAs to subsection (a) of 27.82. The proposed change corrects this reference.

The name of the federal agency that regulates fisheries has recently changed from National Marine Fisheries Service to NOAA Fisheries. The proposed regulations change the name of the agency in subsection 27.82(g).

The wording of subsections 28.28(a), 28.29(a), and 28.55(a) were modified for consistency.

* On December 4, 2003, the Commission adopted regulations that add cabezon to the list of species for which the recreational fishery may be closed by the Department in-season when the Department determines that the federal annual harvest limit has been exceeded or is projected to be exceeded. (See OAL Notice ID#03-1007-12)

Regulatory Text

No substantive changes have been made in the originally proposed regulatory language. However, sections 27.60, 27.82, 28.28, 28.29, and 28.55 of Title 14, CCR, have been amended since the Initial Statement of Reasons was submitted. The proposed changes to the regulatory language are shown using the regulations that are currently in effect. Thus, the proposed regulatory text for sections 27.60, 27.82, 28.28, 28.29, and 28.55 have been modified, but the proposed regulatory text for Section 27.67 has not been changed.

One additional non-substantive change is proposed for subsection 27.60(b)(2). It is a minor editorial change to correct a typographical error.

At the March 5, 2004 Fish and Game Commission meeting, the Commission adopted the proposed regulatory changes and selected the option of a two-fish sub-bag limit for bocaccio [within the Rockfish, Cabezon, and Greenling complex (RCG complex) limit] in the Northern Rockfish and Lingcod Management Area.

Regulatory Language

Section 27.60, Title 14, CCR, is amended to read:

27.60. Limit.

(a) General. No more than 20 finfish in combination of all species with not more than 10 of any one species, may be taken or possessed by any one person except as otherwise provided or as defined in subsection (e) below or in Section 195. (See Sections 27.70 through 28.62 for minimum size limits and poundage restrictions for certain species.)

~~(b) Within the overall bag limit of 20 fish, the following special limits apply:~~

~~(1) Rockfish (rockcod) and lingcod taken in the Northern Rockfish and Lingcod Management Area:~~

~~• Rockfish (see Sections 27.82 and 28.55) — 10 fish — all of which may be of the same species of rockfish except as provided for bocaccio, which is two fish; cowcod, which is zero fish; yelloweye rockfish, which is zero fish; and canary rockfish, which is zero fish.~~

~~• Lingcod (see Sections 27.82 and 28.27) — one fish.~~

~~(2) RCG complex, as defined in Section 1.91, lingcod, and California scorpionfish taken in the Central or Southern Rockfish and Lingcod Management Areas:~~

~~• RCG complex (see Sections 27.82, 28.28, 28.29 and 28.55) — 10 fish in total, except as provided for cowcod, yelloweye rockfish, and canary rockfish which is zero fish. The following RCG complex sub-limits apply: bocaccio — one fish, shallow nearshore rockfish as defined in Section 1.90(e) — two fish, cabezon — three fish, and greenlings of the genus Hexagrammos — two fish.~~

~~• Lingcod (see Sections 27.82 and 28.27) — one fish.~~

~~• California scorpionfish (see Sections 27.82 and 28.54) — five fish.~~

~~(3) For species of fish other than rockfish, lingcod, California scorpionfish, cabezon and greenlings, within the overall bag limit of 20 fish, the following special limits apply:~~

~~(b) Within the overall bag limit of 20 fish, the following special limits apply:~~

(1) Rockfish, Cabezon, and Greenling complex (RCG complex), as defined in Section 1.91 -- 10 fish in total (also see Sections 27.82, 28.28, 28.29 and 28.55). Within the 10-fish RCG complex limit, the following sub-limits also apply: cabezon – three fish, greenlings of the genus Hexagrammos -- two fish, bocaccio – one fish, except in the Northern Rockfish and Lingcod Management Area (as defined in Section 27.82 (a)) where the sub-limit is two fish, canary rockfish – zero fish, cowcod – zero fish, and yelloweye rockfish – zero fish.

(2) For species other than those in the RCG complex, within the overall bag limit of 20 fish, the following special limits apply:

Zero fish	One fish	Two fish	Three Fish	Five Fish
giant (black) sea bass (except as provided in Section 28.10)	sturgeon <u>(see Section 27.90)</u>	Salmon salmon (except as provided in Section 27.80)	trout taken from ocean and bays <u>(see Section 27.70)</u>	California sheephead (see Section 28.26)
Garibaldi <u>(see Section 28.05)</u>	Pacific halibut <u>(see Section 28.20)</u>	striped bass <u>(see Section 27.85)</u>	white seabass (except as provided in Section 28.35)	California halibut (except as provided in Section 28.15)
gulf grouper <u>(see</u>	marlin <u>(see Section</u>	broadbill swordfish	leopard shark <u>(see</u>	surfperch--five fish

<u>Section 28.12)</u>	<u>28.50)</u>	<u>(see Section 28.40)</u>	<u>Section 28.56)</u>	in the aggregate of all species, except for shiner surfperch under 27.60 (c) below
broomtail grouper <u>(see Section 28.12)</u>	soupfin shark	blue shark		<u>California scorpionfish (see Sections 27.82 and 28.54)</u>
white shark <u>(see Section 28.06)</u>	sixgill shark	thresher shark		
	sevengill shark	shortfin mako shark		
	<u>lingcod (see Sections 27.82 and 28.27)</u>			

(c) In addition to the overall bag limit of 20 fish, and special limits in subsection (b), the following special limits apply: Shiner surfperch-20.

(d) There is no limit on the following species: Albacore, anchovy, bluefin tuna, grunion, jacksmelt, topsmelt, petrale sole, Pacific butterfish (pompano), queenfish, sanddabs, skipjack, jack mackerel, Pacific mackerel, Pacific staghorn sculpin, starry flounder, round herring, Pacific herring and Pacific sardine.

(e) Boat limit. When two or more persons that are licensed or otherwise authorized to sport fish in ocean waters off California or in the San Francisco Bay District, defined in Section 27.00, are angling for finfish aboard a vessel in these waters, fishing by all authorized persons aboard may continue until boat limits of those finfish identified under subsections (a) through (c) above are taken and possessed aboard the vessel as authorized under this section or Section 195, Title 14, CCR.

(1) The authorization for boat limits aboard a vessel does not apply to fishing trips originating in California where fish are taken in other jurisdictions.

(2) A boat limit for a species or species group identified in subsections (a) through (c) above is the number of persons aboard a vessel that are licensed or otherwise authorized to sport fish in ocean waters off California, or in waters of the San Francisco Bay District,

(see special conditions of Section 195, Title 14, CCR, applicable to operator and crew members of vessels licensed pursuant to Fish and Game Code 7920) multiplied by the individual daily bag limit authorized for a species or species group in those waters. With the exception of species listed in subsection (d) above, the total fish aboard a boat may not exceed the aggregate per-person daily bag limit of 20-finish in combination of all species times the number of anglers licensed or otherwise authorized to sport fish aboard the vessel. It is unlawful to exceed the boat limit at any time.

(3) All persons aboard a vessel may be cited where violations involving boat limits are found, including, but not limited to the following violations:

- (A) Over limits
- (B) Possession of prohibited species
- (C) Violation of size limits
- (D) Fish taken out of season or in closed areas.

(4) Upon completion of a fishing trip aboard a vessel, each licensed angler or person otherwise authorized to sport fish may not possess more than the individual daily bag and possession limits defined in Section 1.17, Title 14, CCR and in subsections (a) through (c) above. For purposes of this section, a trip is completed at the time a person disembarks from a vessel and individual possession limits apply. Special boat limit provisions apply to persons fishing aboard commercial passenger fishing vessels reporting pursuant to Section 195, Title 14, CCR.

(5) Species or species groups for which no daily bag limit exists under subsection (d) above are not counted as part of a boat limit.

NOTE:

Authority cited: Sections 200, 202, 205, 215, 240 and 8587.1, Fish and Game Code.
Reference: Sections 200, 202, 205, 206, 215, 220, 240, 5517, 7120, and 8585.5, Fish and Game Code.

Section 27.67, Title 14, CCR, is amended to read:

27.67. Transport of Recreational Finfish Through a Restricted Fishing Area.

The department may authorize recreational vessels that have finfish in possession that were legally taken within a Rockfish and Lingcod Management Area defined in Section 27.82(b)(a), Title 14, CCR, to transport those finfish through another Rockfish and Lingcod Management Area in which regulations governing the take and possession of those species are different. The permit described in this section is not required for vessels operating entirely within a Rockfish and Lingcod Management Area. Permission shall be granted on an annual permit signed by the Regional Manager of the Department of Fish and Game's Marine Region. To apply for a permit, an owner or operator of a vessel required to obtain a commercial passenger fishing boat license, or a recreational angler shall submit an application for Permit for Transit of Recreational Finfish Through Restricted Fishing Areas (form FG 672 (new 01/01/01) which is incorporated by reference herein), and an annual fee of \$30.00 per year, or \$7.50 for a period of 30 days or less. The permit shall be onboard the vessel when transiting waters closed to sport fishing.

NOTE:

Authority cited: Sections 200, 202, 205, 7071, 7923 and 8587.1, Fish and Game Code.
Reference: Sections 200, 202, 205, 7071, 7923, 8585.5 and 8587.1, Fish and Game Code.

Subsection (e) of Section 27.82, Title 14, CCR, is amended to read:

27.82. Management Areas, Seasons, Depths, Exceptions, and Fishery Closure Process Described.

(e) **Fishery closure:** When the department determines, based on the best available scientific information, that an annual harvest limit [optimum yield (OY) or harvest

guideline] established in regulation by the NOAA Fisheries (National Marine Fisheries Service) for lingcod, rockfish, cabezon, or a subgroup of rockfish, and/or California scorpionfish, in the California recreational fishery has been exceeded or is projected to be exceeded prior to the end of the year, the department may close the recreational fishery for lingcod, rockfish, a subgroup of rockfish, ~~and/or California scorpionfish,~~ cabezon, greenlings of the genus Hexagrammos, California sheephead, ocean whitefish, and/or any federal groundfish as defined in Title 50, Code of Federal Regulations (CFR) Part 660.302 in all or part of the Northern, Central, or Southern Rockfish and Lingcod Management areas [see Section 27.82(a)], depending on the level of lingcod, rockfish, cabezon, a subgroup of rockfish, and/or California scorpionfish, catch in each area, for part or all of the balance of the calendar year.

NOTE:

Authority cited: Sections 200, 202, 205, 215, 7071 and 8587.1, Fish and Game Code.

Reference: Sections 200, 202, 206, 215 and 8585.5, Fish and Game Code.

Section 28.28, Title 14, CCR, is amended to read:

28.28. Cabezon.

(a) Open season and areas: See Section 27.82. Cabezon may not be taken or possessed by a person by hook and line fishing or by spear fishing in a Northern, Central, or Southern Rockfish and Lingcod Management Area during a closure in those areas ~~during a northern, central or southern rockfish and lingcod closure unless~~ provided for under Section 27.82(c).

(b) Limit: Three, within a Rockfish, Cabezon, and Greenling complex (RCG complex, as defined in Section 1.91) bag limit of 10 fish.

~~(1) Northern Rockfish and Lingcod Management Area (see Section 27.82): Ten.~~

~~(2) Central and Southern Rockfish and Lingcod Management Area (see Section 27.82): Three, within an RCG complex bag limit of 10 fish.~~

(c) Minimum size: Fifteen inches total length.

NOTE:

Authority cited: Sections 200, 202, 205, 215, 220, 7071 and 8587.1, Fish and Game Code. Reference: Sections 200, 202, 205, 210, 8585.5 and 8587.1, Fish and Game Code.

Section 28.29, Title 14, CCR, is amended to read:

28.29. Kelp Greenling. Rock Greenling.

(a) Open season and areas: See Section 27.82. Kelp or rock greenlings (genus Hexagrammos) may not be taken or possessed by a person by hook and line fishing or by spear fishing in a Northern, Central, or Southern Rockfish and Lingcod Management Area during a closure in those areas ~~during a northern, central or southern rockfish and lingcod closure unless~~ provided for under Section 27.82(c).

(b) Limit: Two greenlings of the genus Hexagrammos, within a Rockfish, Cabezon, and Greenling complex (RCG complex, as defined in Section 1.91) bag limit of 10 fish.

~~(1) Northern Rockfish and Lingcod Management Area (see Section 27.82): Ten Kelp Greenling; Ten Rock Greenling.~~

~~(2) Central and Southern Rockfish and Lingcod Management Area (see Section 27.82): Two greenlings of the genus Hexagrammos, within an RCG complex bag limit of 10 fish.~~

(c) Minimum size: Twelve inches total length.

NOTE:

Authority cited: Sections 200, 202, 205, 215, 220, 7071 and 8587.1, Fish and Game Code. Reference: Sections 200, 202, 205, 210, 8585.5 and 8587.1, Fish and Game Code.

Section 28.55, Title 14, CCR, is amended to read:

28.55. Rockfish (Sebastes).

(a) Open seasons and areas:

See Section 27.82. Rockfish, including bocaccio, cowcod, yelloweye, and canary rockfish, may not be taken or possessed by a person by hook and line fishing or by spear fishing in a Northern, Central or Southern Rockfish and Lingcod Management Area during a rockfish and lingcod closure in those areas unless provided for under Section 27.82(c).

(b) Limit: Ten, within the Rockfish, Cabezon, and Greenling complex (RCG complex, as defined in Section 1.91) bag limit of 10 fish, in any combination of species, except bocaccio – one fish in the Central and Southern Rockfish and Lingcod Management Areas (as defined in Section 27.82 (a)) and two fish in the Northern Rockfish and Lingcod Management Area (as defined in Section 27.82 (a)), canary rockfish – zero fish, cowcod – zero fish, and yelloweye rockfish – zero fish.

~~(1) When fishing is authorized in the Northern Rockfish and Lingcod Management Area pursuant to Section 27.82: Ten in any combination of species, except bocaccio – two; yelloweye rockfish – zero; canary rockfish – zero; cowcod – zero.~~

~~(2) When fishing is authorized in the Central and Southern Rockfish and Lingcod Management Areas pursuant to Section 27.82: Ten in any combination of species, except bocaccio – one; yelloweye rockfish – zero; canary rockfish – zero; and cowcod – zero. The sub-limit of shallow nearshore rockfish as defined in Section 1.90(e) is two fish within the 10 fish rockfish bag limit.~~

(c) Size limit: None, except no bocaccio may be taken or possessed that is less than 10 inches in total length.

(d) Method of take: Not more than two hooks and one line. For purposes of this section, a hook is a single hook, or a double or treble hook with multiple points connected to a common shank.

NOTE:

Authority cited: Sections 200, 202, 205, 215, 220, 7071 and 8587.1, Fish and Game Code. Reference: Sections 200, 202, 205, 206, 215, 220 and 8585.5, Fish and Game Code.